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\*Practice Limited to Federal Agencies

April 23, 2004

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APR 26 2004 Art Unit 2152

Technology Center 2100

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application  
Application No. 09/912,401; Filed: July 26, 2001  
For: **System, Method and Computer Program Product To Maximize  
Server Throughput While Avoiding Server Overload By Controlling  
The Rate Of Establishing Server-Side Network Connections**  
Inventors: RAPHEL *et al.*  
Our Ref: 1763.0140000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement;
2. Form PTO-1449 listing FIVE (5) documents (1 page);
3. Copies of the FIVE (5) cited documents as listed; and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
April 23, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl  
Attorney for Applicants  
Registration No. 36,013

RES/mjg  
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8  
T.D.  
04/28/07

In re application of:

RAPHEL *et al.*

Appl. No.: 09/912,401

Filed: July 26, 2001

**For: System, Method And Computer  
Program Product To Maximize  
Server Throughput While Avoiding  
Server Overload By Controlling the  
Rate of Establishing Server-Side  
Network Connections**

Confirmation No.: 4249

Art Unit: 2143

Examiner: David Armand Wiley

Atty. Docket: 1763.0140000

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Technology Center 2100

**Third Supplemental Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Therefore, no statement or fee is required. Filing under 37 C.F.R. § 1.97(b).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO 1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl  
Attorney for Applicants  
Registration No. 36,013

Date: 4/23/04

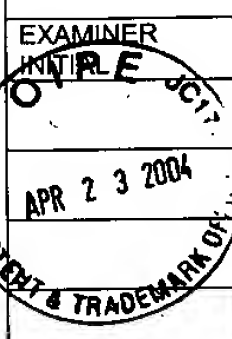
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

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FORM PTO-1449

THIRD SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
1763.0140000APPLICATION NO.  
09/912,401INVENTORS  
RAPHEL *et al.*FILING DATE  
July 26, 2001ART UNIT  
2143

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1						
	AB1						
	AC1						
	AD1						
	AE1						
	AF1						
	AG1						
	AH1						
	AI1						
	AJ1						
	AK1						

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APR 26 2004

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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	WO 98/06033 A1	02/1998	PCT			Yes No
	AM1	WO 00/28433 A2 & A3	05/2000	PCT			Yes No
	AN1	WO 00/45286 A1	08/2000	PCT			Yes No
	AO1						Yes No
	AP1						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	PR Newswire, "NetScreen Offers Free Software Upgrade to Leading Security Appliance to Help E-Businesses Defend Against Attacks," PR Newswire, February 14, 2000, p. 1.
AS	1	Fielding, R. <i>et al.</i> , "Hypertext Transfer Protocol - - HTTP/1.1," RFC 2616, Sections 3.6, 4.4, 8, 14.13, 14.41, and 19.4.6, 19 pages, IETF, from <a href="http://www.w3.org/Protocols/rfc2616/rfc2616">http://www.w3.org/Protocols/rfc2616/rfc2616</a> , (June 1999).
AT	1	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.